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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,292	01/03/2002	Thomas Edward Cezeaux	338528008US1	8337

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EXAMINER	
HOYE, MICHAEL W	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,292	CEZEAUX ET AL.	
	Examiner	Art Unit	
	Michael W. Hoye	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/12/06 (and entered per RCE on 9/25/06)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *39-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on September 12, 2006 has been entered.

Response to Arguments

2. Applicants' arguments filed on 9/12/06 have been fully considered but they are not persuasive.

Regarding amended independent claim 51, the Applicants argue that, "The user-specific hyperlinks in Rangan relate merely to the fact that a particular user can select a hyperlink that another might not. Thus, his choice of hyperlinks is "user-specific." It does not have anything whatsoever to do with a user profile, as generally recited in the claims at issue. Similarly a user's ability to "accentuate or suppress" a hyperlink as discussed in Rangan does not relate to either a user profile or previous usage information. In Rangan, the hyperlink is always there, regardless of a user's profile or usage. A user can only accentuate or suppress a hyperlink that is already there, based not upon a user profile or past usage, but merely the act of an "author of the hyperlink." Col. 15, line 4. The present invention, however, relates to a system and method for inserting content, such as a hyperlink, rather than suppressing or accentuating it once there."

In response, the Examiner respectfully disagrees with the Applicants because Rangan clearly teaches in col. 12, lines 38-48 that:

> The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for **each single one** of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. **Each and every client SUV** may receive any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, **in accordance with his, her or their unique** (network) **identity**. (emphasis added)

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." In addition to, as stated in the section above, retrieving "contest results" is an example of retrieving profile information based on previous usage information.

Regarding independent claims 39 and 46, the Applicants make similar arguments as stated above for claim 51, and the Examiner respectfully disagrees with the Applicants for the reasons stated above.

The additional arguments pertaining to the other reference cited, as well as the dependent claims are moot since the claim limitations are met as described above regarding the Rangan reference.

Also, in response to the Applicants' argument that the references fail to show certain features of the Applicants' invention, it is noted that the features upon which the Applicants rely (i.e., the profile information including previous usage information) are not recited in rejected claim 46. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 51, 52 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Rangan et al (USPN 6,154,771).

Regarding claim 51, Rangan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on-demand system (see col. 21, lines 23-27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract) and transmitting the interactive hyperlinks to the user (see col. 11 lines 40 - 63, col. 11

lines 17 - 26, see col. 15 lines 14 - 18) based on a user profile. In addition, Rangan clearly teaches in col. 12, lines 38-48 that:

> The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for **each single one** of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. **Each and every client SUV** may receive any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, **in accordance with his, her or their unique** (network) **identity**. (emphasis added)

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." Furthermore, retrieving "contest results" is an example of retrieving profile information based on previous usage information.

Regarding claim 52, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col. 15, lines 40-57, col. 9, lines 12-21, col. 14, lines 12-34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 54, Ragan discloses hotspots or hyperlinks are provided for individual video frames (see col. 15, lines 40-47). Necessarily, adding occurs on a frame-by-frame basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 39-44, 46, 50 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Markel et al (US 2002/0059629).

Regarding claims 39 and 46, Ragan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on- demand system (see col. 21, lines 23-27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract) and transmitting the interactive hyperlinks to the user (see col. 11, lines 40-63). Rangan still further discloses user-specific hyperlinks (see col. 11, lines 16-25) and targeted hyperlinks (see col. 11, lines 47-53). In addition, Rangan clearly teaches in col. 12, lines 38-48 that:

> The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for **each single one** of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. **Each and every client SUV** may receive any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, **in accordance with his, her or their unique** (network) **identity**. (emphasis added)

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." Furthermore, retrieving "contest results" is an example of retrieving profile information based on previous usage information.

Rangan fails to disclose retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user.

In analogous art, Markel teaches providing customized enhancement triggers according to the ATVEF compliant code according to a received profile (see ¶ [0010], ¶ [0030], ¶ [0034]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user for the benefit of providing hyperlinking triggers and data using a public standard which can be deployed to a variety of different devices.

Regarding claims 40, 43, and 50, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col. 15, lines 40-57, col. 9. lines 12-21, col. 14, lines 12-34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 41, Rangan discloses providing on-demand video (i.e. moving images) but fails to disclose the claimed movie. Official Notice is taken it would have been notoriously well known to provide movies on demand for the benefit of providing a user with a dedicated channel to watch a movie at a user's convenience. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed limitation for the benefit of providing a user with movies on demand at a user's convenience.

Regarding claim 42, Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract).

Regarding claim 44, the combination of Rangan and Markel teach the claimed limitations, wherein Markel teaches the claimed ATVEF information and Rangan teaches e-commerce for buying or purchasing (see col. 11, lines 16-25).

Claims 55-56 are met by the above.

As to claim 57, the combination of Rangan and Markel fails to teach the claimed ATVEF information relates to descriptive information regarding the video. Official Notice is taken it would have been well known to provide hyperlinks to enable a user to get a better more detailed description of video program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Rangan and Markel to include the claimed limitation for the benefit of getting a better more detailed description of a video program.

7. Claims 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771), in view of Markel et al (US 2002/0059629), as applied to claims 39 and 46 above, and further in view of Feinleib (USPN 6,637,032).

Regarding claims 45 and 49, the combination of Rangan and Markel fails to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col. 7, lines 42-50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Rangan and Markel to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

8. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Markel et al (US 2002/0059629), as applied to claim 46 above, and further in view of Blackketter et al (USPN 6,560,777).

Regarding claims 47 and 48, the combination of Rangan and Markel fails to disclose the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast.

In analogous art, Blackketter discloses providing updated enhancement information by modifying the enhancement information transmitted (see col. 2, lines 61-67, col. 3, lines 25-42, col. 10, lines 50-54, col. 12, lines 8-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the enhancement data transmitted with the video in the combination of Rangan and Markel, to include the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast for the benefit of providing a user with updated and most recent ATVEF information.

9. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771).

Regarding claim 53, Rangan discloses providing on-demand video (i.e. moving images) but fails to disclose the claimed movie. Official Notice is taken it would have been notoriously well known to provide movies on demand for the benefit of providing a user with a dedicated channel to watch a movie at a user's convenience. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed limitation for the benefit of providing a user with movies on demand at a user's convenience.

10. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Feinleib (USPN 6,637,032).

Regarding claim 58, Rangan fails to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col. 7, lines 42-50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoye
September 30, 2006

JOHN MILLER
SUPERVISORY PATENT EXAMINER
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